

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA FARM BUREAU, )  
MUTUAL INSURANCE COMPANY, )  
INC. AS SUBROGEE OF RONALD )  
WESLEY BASSETT AND LISA )  
BASSETT D/B/A BASSETT RACING )  
AND AS SUBROGEE OF BASSETT )  
GUTTERS AND MORE, INC., )  
 )  
Plaintiff, )  
 )  
v. ) 1:19CV513  
 )  
STRICKLAND'S AUTO & TRUCK )  
REPAIRS, INC., )  
 )  
Defendant/Third Party Plaintiff )  
 )  
v. )  
 )  
RONALD WESLEY BASSETT, LISA )  
BASSETT, BASSETT GUTTERS AND )  
MORE, INC., and BR RACING, LLC, )  
 )  
Third Party Defendants. )

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on February 18, 2021, was served on the parties in this action. (ECF Nos. 34, 35.) Defendant/Third Party Plaintiff filed objections to the Magistrate Judge's Recommendation. (See ECF No. 36.) The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Farm Bureau's Motion for Partial Summary Judgment, (ECF No. 20), is GRANTED to the extent Strickland's Auto's First, Second, and Third Affirmative Defenses (related to Farm Bureau's subrogation rights pertaining to Bassett Gutters) are DISMISSED, but the motion is otherwise DENIED.

IT IS FURTHER ORDERED that Strickland's Auto's Motion for Summary Judgment, (ECF No. 27), is GRANTED to the extent that Farm Bureau's second cause of action for negligence under the doctrine of res ipsa loquitur is DISMISSED, but otherwise DENIED in all other aspects.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 5<sup>th</sup> day of March 2021.

/s/ Loretta C. Biggs  
United States District Judge